

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

SEP 26 2008

JOHN F. CONROGAN, CLERK
BY:  DEPUTY CLERK

JAY C. DENNIS,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CIVIL ACTION No. 3:07-cv-00003

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court upon consideration of the parties' cross-motions for summary judgment (docket nos. 13 and 15), the Report and Recommendation of United States Magistrate Judge B. Waugh Crigler (docket no. 17), and the objections thereto (docket no. 19) filed by the Commissioner of Social Security. For the reasons set forth in the accompanying Memorandum Opinion, it is hereby ordered as follows:

1. The Commissioner's objections (docket no. 19) are OVERRULED.
2. The December 7, 2007, Report and Recommendation (docket no. 17) of the Magistrate Judge is ADOPTED.
3. The Commissioner's final decision is REVERSED.
4. Plaintiff's motion for summary judgment (docket no. 13) is GRANTED.
5. The Commissioner's motion for summary judgment (docket no. 15) is DENIED.
6. This case is RECOMMITTED to the Commissioner solely for the award of proper benefits.

7. Accordingly, judgment is ENTERED for Plaintiff, the case is hereby DISMISSED, and the Clerk of the Court is directed to STRIKE this case from the active docket of the Court.
8. The Clerk of the Court is further directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record and to United States Magistrate Judge B. Waugh Crigler.

It is so ORDERED.

Entered this 26th day of September, 2008.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE